

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

ROBERT DUANE CAMPBELL,

Plaintiff,

v.

No. 1:24-cv-01054-JDB-tmp

STEVE BEAL, *et al.*,

Defendants.

ORDER DIRECTING PLAINTIFF TO COMPLY WITH 28 U.S.C. § 1915(a)(2)
OR PAY \$405 CIVIL FILING FEE

On March 13, 2024, the Plaintiff, Robert Duane Campbell, who is incarcerated at the Henderson County Jail in Lexington, Tennessee, filed a pro se complaint pursuant to 42 U.S.C. § 1983, as well as a motion to proceed in forma pauperis. (Docket Entry 1, 2.)

Under the Prison Litigation Reform Act (“PLRA”), 28 U.S.C. §§ 1915(a)-(b), a prisoner bringing a civil action must pay the filing fee required by 28 U.S.C. § 1914(a). Although the obligation to pay the fee accrues at the moment the case is filed, *see McGore v. Wrigglesworth*, 114 F.3d 601, 605 (6th Cir. 1997), *overruled in part on other grounds by LaFountain v. Harry*, 716 F.3d 944, 951 (6th Cir. 2013), the PLRA provides the prisoner the opportunity to make a down payment of a partial filing fee and pay the remainder in installments. 28 U.S.C. § 1915(b)(2). However, in order to take advantage of the installment procedures, the prisoner must properly complete and submit to the district court, along with the complaint, an in forma pauperis affidavit containing a current certification by the prison trust account officer and a copy of his trust account statement for the last six months immediately preceding the filing of the complaint. 28 U.S.C. § 1915(a)(2).

In this case, the affidavit submitted by Plaintiff is not accompanied by a copy of his trust account statement indicating a balance. The Court will require Plaintiff to make an effort to obtain that document. Accordingly, Plaintiff is ORDERED to submit, within thirty days after the date of this order, either the entire \$405 civil filing fee¹ or a current copy of his trust account statement.² If Plaintiff requires additional time to file the necessary document, he may request one thirty-day extension of time from this Court. *See McGore*, 114 F.3d at 605. The Clerk is DIRECTED to mail Plaintiff a copy of this order.

If Plaintiff timely submits the necessary document and the Court finds that he is indigent, the Court will grant leave to proceed in forma pauperis and assess a filing fee of only \$350 in accordance with the installment procedures of § 1915(b). However, if the Plaintiff fails to comply with this order in a timely manner, the Court will deny leave to proceed in forma pauperis, assess the entire filing fee of \$405 from his trust account without regard to the installment payment procedures, and dismiss the action without further notice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute. *See McGore*, 114 F.3d at 605.

IT IS SO ORDERED this 14th day of March 2024.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE

¹The civil filing fee is \$350. *See* 28 U.S.C. § 1914(a). The Schedule of Fees set out following the statute also requires an additional administrative fee of \$55 for filing any civil case before November 30, 2023. **The Judicial Conference of the United States approved an additional administrative fee increase to \$55 beginning December 1, 2023.** That additional fee will not apply if leave to proceed in forma pauperis is ultimately granted.

²Plaintiff does not need to submit another in forma pauperis affidavit. If he is unable to obtain a trust account statement from prison officials, he should so notify the Court.